

ARIZONA STATE BOARD OF ACCOUNTANCY

OPEN SESSION MINUTES

December 8, 2008

Members of the Arizona State Board of Accountancy held a meeting at 8:17 a.m. on Monday, December 8, 2008 at the Accountancy Board Office in Suite 165, 100 N. 15th Avenue, Phoenix, Arizona 85007. An Executive Session was held from 9:10 a.m. to 9:58 a.m.

BOARD MEMBERS:

☉ Patrick J. Ramirez	President
Debbi Fitzgerald, CPA	Treasurer
Samuel L. Fogleman, CPA	Secretary
Marianne E. DeVries, CPA	Member
Gary W. Fleming, CPA	Member
✕ Mark L. Landy, CPA	Member
James E. May	Member

☉ Arrived at 8:24 a.m.

✕ Absent

OTHERS PRESENT:

Monica L. Petersen	Executive Director
Jim Dubé	Deputy Director
Daniel R. Christl, Esq.	Assistant Attorney General
Ryan P. Edmonson	Programs & Projects Specialist II
Yolanda M. Barajas	Administrative Assistant III
Elena N. Frausto	Administrative Assistant III

GUESTS PARTICIPATING:

Michael A. Davis	Registrant
Wesley S. Loy	Attorney

The meeting was called to Order at 8:17 a.m. by Debbi Fitzgerald, Treasurer. The following Order of business was then considered:

OPEN SESSION

CALL TO THE PUBLIC

Wesley S. Loy, Esq., attorney for Michael A. Davis, CPA was present to discuss agenda item 14-d.

MINUTES

November 17, 2008 Board Meeting

A motion was made by Gary W. Fleming, seconded by James E. May and passed to approve the Open Session Minutes from the November 17, 2008 Board meeting.

Marianne E. DeVries and Samuel L. Fogleman did not vote.

November 17, 2008 Board Meeting

A motion was made by James E. May, seconded by Gary W. Fleming and passed to approve the Executive Session Minutes from the November 17, 2008 Board meeting.

Marianne E. DeVries and Samuel L. Fogleman did not vote.

DECLARATION OF CONFLICTS OF INTEREST

Debbi Fitzgerald, CPA declared conflicts on Matthew T. Collins of the consent agenda and Board agenda item 14-j Francis Joseph Brady.

Samuel L. Fogleman, CPA declared conflicts on Brad Alto; Jared M. Frost – California and Nicholas Richard Arambula of the consent agenda.

CONSENT AGENDA

(The Board may pull any of the following items off the consent agenda to take individual action.) Board discussion and legal action on the following items:

Due to a conflict, Debbi Fitzgerald requested Matthew T. Collins be pulled from the consent agenda and voted on separately.

Due to conflicts, Samuel L. Fogleman requested Brad Alto; Jared M. Frost – California and Nicholas Richard Arambula to be pulled from the consent agenda and voted on separately.

A motion was made by Gary W. Fleming, seconded by Marianne E. DeVries and passed to accept the following consent agenda:

- a. Recommended for Registration of LLC/PLLC/LLP's for the following Applicants
(Meet the requirements of A.R.S. § 32-735):

H & S Accounting LLC	A.C.T. Financial Services PLLC
Partner: Yogendra Jain 13376-E	Partner: Marion F. Child 14369-E
DCM Accounting LLC	JC Grason of Mesa LLC

Partner: Deborah C. Michalowski 15153-E Partner: Teresa Gonzales 5509-R

Kierland Accounting & Tax Services LLC Paddy Tax & Consulting LLC
Partner: John T. Dallmus 10699-E Partner: Elaine Jordan Paddy 10578-E

Darrin J. Riley CPA PLC Elwood & Brown CPA's PLC
Partner: Darrin Riley 11047-E Partners: Jeffrey D. Brown 8196-E
Ronald S. Elwood 7789-E

- b. Recommended for Registration of PC's for the following Applicants (Meet the requirements of A.R.S. § 32-734):

A C Clifford CPA PC Shoemaker CPA PC
Partner: Albert C. Clifford 4297-E Partner: Teresa Shoemaker 12716-R

Audrey D. Spence CPA PC Carol A. Mulloy CPA PC
Partner: Audrey D. Spence 10888-E Partner: Carol A. Mulloy 8508-R

- c. Recommended for Firm Name Change:

Lois G. Moore, CPA Direct Accounting Solutions LLC
Matrix Capital PC 1217-C Hughes Accounting Services LLC 2552-L
Partner: Lois G. Moore 4648-E Partner: Jandy Hughes 9107-R

Discount CPA
Kurt M. Huzar, CPA 5879-S
Partner: Kurt M. Huzar 8642-E

- d. Request for Firm Cancellation – Do not wish to renew:

Woods & Dwyer PLC Preston Parker CPA PC 977-C
Partner: Thomas R. Woods 4661-E Partner: George Preston Parker 8791-R

Skinner, Tameron & Company LLP 563-B
Partner: Joseph A. Tameron 5904-E

- e. Recommended for Cancellation of Certificate per registrant's request not to renew:

Kimberly K. Alexander 6933-E A. Donald Chaney 1591-E
Barbara J. Freitas 7242-E Heather Fox 12809-E

- f. Recommended for Reissuance of Certificate because of Name Change:

Shannon Donovan (Serafin) 13632-E Christine M. Barber (Ozaeta) 6816-E
Holly Sue Invie (Meyer) 6653-E Brice K. Nuessle (Rhee) 13646-E
Katherine W. Eager (Flores) 13965-E Larissa A. Todd (Charais) 12853-E
Megan Mandel (Romo) 14886-E

- g. Recommendation of the Certification Committee for approval of Certification by Examination - A.R.S. §32-721:

Tahir M. Alhassan Randy G. Brammer
Scott R. Blaser Ryan N. Cross
Jenny Xiaoyan Cai Gregory Goldsand

- | | |
|-------------------------|------------------------|
| Brytni R. Clutter | Kelly J. Hampton |
| Mary K. Gilbaugh | Josh Haskett |
| Holly Marie Griffus | Florence M. Jones |
| Leigh Hewer | Kelly D. Langdon |
| Sabrina Soyoung Hur | Rob Paull |
| Linnette D. Klinedinst | S. C. TeSelle |
| Remy Lesueur | Zaynah S. Vohra |
| Vanessa Radick Makridis | Richard Weisenberg |
| Blake C. Udall | Benjamin Y. Weisenberg |
- h. Recommendation of the Certification Committee for approval of Certification by Reciprocity - A.R.S. § 32-724:
Mitchell Robinaugh - Colorado
- i. Recommendation of the Certification Committee for approval of Certification by Reciprocity based on Substantial Equivalency - A.R.S. § 32-726(B):
- | | |
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| Tamara K. Agader – Hawaii | James Logan Best – Ohio |
| Steve Briggs – Nevada | Donna Joanne Flugstad – Montana |
| John C. Gordon – Ohio | Jared M. Hansen – Utah |
| Rebecca J. Haugeberg – Alaska | Steven J. Markovich – Montana |
| Alan E. Meyer - New Jersey | Lawrence Prudhomme – Michigan |
| Kate Lynn Spiegel – Wisconsin | Gail D. Reese - New Mexico |
| Yong Zhu - New Jersey | Kent D. Worley - Illinois |
- j. Recommendation of the Certification Committee for approval of Certification by Grade Transfer - A.R.S. § 32-721:
Lee Adam Gentry - New Mexico
- k. Recommendation of the Certification Committee for approval of Examination Candidates for the Uniform CPA Exam - A.R.S. § 32-723:
- | | |
|-------------------------|-------------------------|
| Adam Lawrence Benson | Ryan Magruder Beall |
| Kevin Edward Brown | Henry Palmer Brandt IV |
| Larysa O. Gamble | Gemmalyn Abella Gaddini |
| Bradley R. Hoge | Izedeen Saif Hammouri |
| Christine Young Johnson | Daniel M. Holic |

Anthony Michael Marasa	Eric S. Kelley
Thomas Pickrell McWilliams	James Mathew
Trevor Jonathan Palmer	Marshall William Kirk Mortley
Lisa Marie Piergallini	Anna Perekotiy
Jennifer Jean Schulz	Evan George Schroedel
Hayley Michelle Spainhour	Sonia Patricia Soto Vega
Peter Francis Speers	Brittany Kathryn Spake
Keith Alan Tyler	Geoffrey Cong Khanh Tran
Duong Vovan	Alberto Michael Gonzalez
Deborah Ann Williams	Diane Lucia Watson
Joseph Edward Zinger	

- I. Recommendation of the Peer Review Oversight Advisory Committee for approval of the following firms in compliance with A.A.C. R4-1-454:

Clancy & Co PLLC 1098-L	Rauch Hermanson & Everroad Ltd 292-C
Horne LLP 1183-B	Curosh & Williams Ltd 722-C
Price Kong & CO 599-C	Ligget, Timothy H., CPA 5359-S
Satz, Craig CPA PC 979-C	Frost, Stephens & Company PC 131-C
Cochran, Chris PC 485-C	Reidy Company PC 2298-C
Eckelbert & Wienshienk PC 2001-C	Mather, Michael CPA PLLC 2616-L

CONSENT AGENDA

A motion was made by Marianne E. DeVries, seconded by Gary W. Fleming and passed to approve the following consent agenda items:

- g. Recommendation of the Certification Committee for approval of Certification by Examination - A.R.S. §32-721:

Brad Alto

- j. Recommendation of the Certification Committee for approval of Certification by Grade Transfer - A.R.S. § 32-721:

Jared M. Frost – California

- k. Recommendation of the Certification Committee for approval of Examination Candidates for the Uniform CPA Exam - A.R.S. § 32-723:

Nicholas Richard Arambula

Samuel L. Fogleman declared conflicts and did not vote.

A motion was made by Marianne E. DeVries, seconded by Gary W. Fleming and passed to approve the following consent agenda item:

- g. Recommendation of the Certification Committee for approval of Certification by Examination - A.R.S. §32-721:

Matthew T. Collins

Debbi Fitzgerald declared a conflict and did not vote.

EXECUTIVE DIRECTOR'S REPORT

Monica L. Petersen, Executive Director, gave an update to the Board on the budget, five-year rule review; agency operations; NASBA and legislation.

ITEMS FOR BOARD REVIEW, DISCUSSION AND LEGAL ACTION

Failure to Respond - A.R.S. § 32-741(A)(9) & (15):

File No. 2009.015; Davis, Michael A.

Michael A. Davis, CPA was present with his attorney Wesley S. Loy to discuss his file and his failure to respond to the offered Consent Order. The Board thanked them for their appearance and said they would take action on his matter when they review Mr. Davis's agenda item.

EXECUTIVE SESSION

A motion was made by Marianne E. DeVries, seconded by James E. May and passed to go into Executive Session at 9:10 a.m. to seek legal advice and review confidential material pursuant to A.R.S. § 38-431.03(A)(2)(3) and (4).

After consideration in Executive Session, the Board reconvened in Open Session at 9:58 a.m.

COMMITTEE RECOMMENDATIONS – COMPLAINT/INITIAL ANALYSIS FILES

File No. 2009.028

A motion was made by Samuel L. Fogleman, seconded by Marianne E. DeVries and passed to accept the Accounting and Auditing Standards Committee's recommendation to close the complaint file, no violations of professional standards.

COMMITTEE RECOMMENDATIONS – PEER REVIEW

File No. 2009.031

A motion was made by Samuel L. Fogleman, seconded by Marianne E. DeVries and passed to remand the file to the Peer Review Oversight Advisory Committee for consideration of an Order to mandate CPE in a classroom setting.

NOTICES OF UNLAWFUL USE OF THE CPA DESIGNATION

File No. 2009.011

A motion was made by Samuel L. Fogleman, seconded by Marianne E. DeVries and passed to direct the Assistant Attorney General to file an injunction in Superior Court for the unlawful use of the CPA designation.

File No. 2009.033

A motion was made by Samuel L. Fogleman, seconded by James E. May and passed to accept the response and close the file.

File No. 2009.035

A motion was made by Samuel L. Fogleman, seconded by Marianne E. DeVries and passed to accept the response and close the file.

INITIAL ANALYSIS

- a. A motion was made by Samuel L. Fogleman, seconded by Marianne E. DeVries and passed to open an initial analysis file and assign the file to the Accounting and Auditing Standards Committee for further review.

ITEMS FOR BOARD REVIEW, DISCUSSION AND LEGAL ACTION

Settlement Offer

File No. 2007.107; Dusseau, Ken, PC

Daniel R. Christl, Assistant Attorney General provided an update to the Board.

A motion was made by Samuel L. Fogleman, seconded by Marianne E. DeVries and passed to accept the signed Decision & Order (By Consent) for suspension for up to 12 months of his CPA and Firm Certificates in lieu of disciplinary action and to vacate the scheduled hearing.

File No. 2008.089; Pardo, Lawrence, PC

Daniel R. Christl, Assistant Attorney General provided an update to the Board.

A motion was made by Samuel L. Fogleman, seconded by Marianne E. DeVries and passed to accept the signed Decision & Order (By Consent) for suspension for up to 12 months of his CPA and Firm Certificates in lieu of disciplinary action and to vacate the scheduled hearing.

File Nos. 2009.004; 2009.008; 2009.010; 2009.012 & 2009.030; Wise, Danny

Daniel R. Christl, Assistant Attorney General provided an update to the Board.

A motion was made by Samuel L. Fogleman, seconded by Marianne E. DeVries and passed to accept the signed Decision & Order (By Consent) for revocation of his CPA and Firm Certificates in lieu of disciplinary action and to vacate the scheduled hearing.

Termination of Decision & Orders (By Consent)

File No. 2008.006; Ligget, Timothy

A motion was made by Samuel L. Fogleman, seconded by Marianne E. DeVries and passed to terminate the Consent Order and close the file

Update on status of investigative file

File No. 2007.060; Olsen, Alfred

Daniel R. Christl, Assistant Attorney General provided an update to the Board.

A motion was made by Samuel L. Fogleman, seconded by Marianne E. DeVries and passed to offer a Decision & Order (By Consent) for suspension for up to 24 months while the criminal trial proceeds.

Failure to Respond - A.R.S. § 32-741(A)(9) & (15)

File No. 2009.015; Davis, Michael A.

A motion was made by Samuel L. Fogleman, seconded by Marianne E. DeVries and passed to accept the signed Decision & Order (By Consent) and no further action taken.

Application for Certification by Examination/Grade Transfer, Deferral/Denial by Certification Committee - A.R.S. § 32-721

Brian T. Groark

James E. May reviewed the file. A motion was made by James E. May, seconded by Samuel L. Fogleman and passed to approve his application for certification by examination pursuant to A.R.S. § 32-721.

Heidi Hintze

James E. May reviewed the file. A motion was made by James E. May, seconded by Samuel L. Fogleman and passed to approve her application for certification by examination pursuant to A.R.S. § 32-721.

Don C. Larson

Marianne E. DeVries reviewed the file. A motion was made by Marianne E. DeVries, seconded by Samuel L. Fogleman and passed to deny the respondent's request for application for certification by examination because he does not meet the education requirements and to appoint Monica L. Petersen, Executive Director, or Jim Dubé, Deputy Director as a designated representative of the Board to conduct a informal settlement conference, if requested, with limited authority to settle.

Cynthia J. Smith

Marianne E. DeVries reviewed the file. A motion was made by Marianne E. DeVries, seconded by Samuel L. Fogleman and passed to deny the respondent's request for application for certification by examination because she does not meet the education requirements and to appoint Monica L. Petersen, Executive Director, or Jim Dubé, Deputy Director as a designated representative of the Board to conduct a informal settlement conference, if requested, with limited authority to settle.

Application for the Uniform CPA Exam, Denial by Certification Committee - A.R.S. § 32-723

Aaron Christopher Van Winkle

Gary W. Fleming reviewed the file. A motion was made by Gary W. Fleming, seconded by Samuel L. Fogleman and passed to deny his application for the Uniform CPA exam pursuant to A.R.S. § 32-723. The motion included directing Jim Dubé, Deputy Director to guide him in becoming a CPA in Arizona.

Application for Certification by Reciprocity based on Substantial Equivalency, Deferral by Certification Committee - A.R.S. § 32-726

Jonathan M. Poppel - Connecticut

Debbi Fitzgerald reviewed the file. A motion was made by Debbi Fitzgerald, seconded by Samuel L. Fogleman and passed to approve his request for certification by reciprocity pursuant to A.R.S. § 32-726.

Gary W. Fleming declared a conflict and did not vote.

Joshua D. Means – Illinois

Samuel L. Fogleman reviewed the file. A motion was made by Samuel L. Fogleman, seconded by Marianne E. DeVries and passed to approve his request for certification by reciprocity pursuant to A.R.S. § 32-726.

Request for a CPE Waiver and/or Fee Waiver – A.R.S. § 32-730(C) & (D)

Arthur John Hunter 2199-E

Judith Michael Harder 5464-E

A motion was made by Debbi Fitzgerald, seconded by James E. May and passed to grant their requests for CPE and Fee Waivers.

Request for a NTS Extension

Thomas Waier

Nancy J. Roberts

A motion was made by Samuel L. Fogleman, seconded by Marianne E. DeVries and passed to grant their requests for an extension until March 31, 2009.

Request for Inactive Status – A.R.S. § 32-730

Francis Joseph Brady 3291-R

A motion was made by Samuel L. Fogleman, seconded by Marianne E. DeVries and passed to grant his request for inactive status.

Debbi Fitzgerald declared a conflict and did not vote.

John J. Annibal 11432-E

A motion was made by Samuel L. Fogleman, seconded by Marianne E. DeVries and passed to grant his request for inactive status.

SUMMARY OF CURRENT EVENTS

Marianne E. DeVries discussed her January presentation for the Arizona Society of Certified Public Accountants (ASCPA).

Patrick J. Ramirez, President, will not be attending the January 5, 2009 Board meeting.

DISCUSSION OF ITEMS TO BE PLACED ON FUTURE MEETING AGENDA

None.

ADJOURNMENT

A motion was made by Samuel L. Fogleman, seconded by Gary W. Fleming and passed to adjourn at 10:31 a.m.

Patrick J. Ramirez, Member, President

Debbi Fitzgerald, CPA, Treasurer

Samuel L. Fogleman, CPA, Secretary

Marianne E. DeVries, CPA, Member

Gary W. Fleming, CPA, Member

James E. May, Member